



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: November 9, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Thomas L. Werst (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit the placement of solar panels approximately 3 feet front the side property line whereas 15 feet is required and 30 feet from the rear property line whereas 40 feet is required. The parcel is located at 3 Laurel Street in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 139. Case # 2015-45.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background: The subject property is an approximately 0.63 acre lot located at 3 Laurel St. The property lies within the R (Residential) District. The single family residence located on the parcel is currently serviced by MVD water and private septic.

The applicant seeks a variance under Section 3.05 of the Zoning Ordinance to permit the placement of solar panels approximately 3 feet front the side property line whereas 15 feet is required and 30 feet from the rear property line whereas 40 feet is required.

Section 2.02.A.8 of the Zoning Ordinance requires solar panels/systems meet all applicable building setback restrictions and states the following:

The installation of solar, wind, or other renewable energy systems designed to provide energy primarily for on-site use, and the building of any structures necessary for the collection of renewable energy provided that all applicable health and life and safety codes and requirements are adhered to and subject to any applicable building setback or height restrictions.

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of the variance under Section 3.05 of the Zoning Ordinance have been met to permit the placement of solar panels approximately 3 feet front the side property line whereas 15 feet is required and 30 feet from the rear property line whereas 40 feet is required

cc: Correspondence & Zoning Board File
ec: Thomas Werst, Petitioner and Owner
Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department